

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

**MICHAEL HACKLEY ARCHITECTS,
P.C. AND MICHAEL HACKLEY,**

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Plaintiffs,

*

V.

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CASE NO: JFM 02 CV 3363

**LVX, INC., JOHN LEE,
COMMERCIAL FINISH GROUP,
INC., JEFFREY WAY, AND
JOHN TROUTON**

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Defendants.

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**PLAINTIFFS' EXPERT WITNESS DISCLOSURE PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(2)**

Plaintiffs Michael Hackley and Michael Hackley Architects, P.C. hereby submit their Rule 26(a)(2) Expert Witness Disclosures pursuant to the revised scheduling Order of December 31, 2002.

1. At trial in the above-captioned matter, Plaintiffs will call Bruno Reich as an expert in this case. Mr. Reich's resume is attached hereto as Exhibit I.
2. Mr. Reich's written summary is attached hereto as Exhibit II. Mr. Reich will testify regarding the following subject matter:
 - a. Knowledge and understanding of the Maryland Architects Act, Maryland Annotated Code, Business Occupations and Professions Article, §3-101 *et seq.*, particularly §3-501.
 - b. Usual and customary practice in the architecture trade for an architect to design a work, using another architect simply as a draftsperson to make the electronic drawings from the first architect's design.

- c. Usual and customary practice in the architecture trade for an architect to draft the initial drawings which may be revised as the work is built based on unexpected developments at the site.
- d. Substantial similarity between the Hackley drawings and the drawings of John Trouton ultimately used to build the LVL X Prince George's Plaza store.
- e. Substantial similarity between the Hackley drawings and the LVL X Prince George's Plaza store as built.

3. Plaintiffs reserve the right for Mr. Reich to rebut any issues not identified herein, but raised by Defendants and Defendants' expert witnesses.

Respectfully submitted,

Attorneys for Plaintiffs Michael Hackley and Michael Hackley Architects, P.C.

/s/
Royal W. Craig, Fed.Bar No. 24,546
Deborah J. Westervelt; Fed Bar. No. 26,282
The Law Offices of Royal Craig, P.C.
10 North Calvert Street, Suite
Baltimore, Maryland 21202
(410)385-2383
Facsimile: (410)385-2385

Dated: April 23, 2003

**BRUNO VAUGHN REICH,
Licensed Architect**

LICENSES:

Registered to practice Architecture in Maryland, Virginia, Washington D.C., Pennsylvania, Delaware, New Jersey, and Florida

EDUCATION:

Bachelor of Architecture, University of Maryland, College Park, MD, 1981

PROFESSIONAL ASSOCIATIONS:

Metal Building Contractor and Erectors Association (MBCEA), Vice President
American Institute of Architects

EXPERIENCE:

President, Famous Buildings, Inc., (1983-2003) a construction company that specializes in the design and erection of Pre-Engineered steel buildings. Buildings include retail buildings, office buildings, maintenance buildings, industrial buildings, waste transfer buildings, recreational buildings, aviation buildings, prisons, warehouses, parking garages, and other types of buildings.

Projects:

Martha's Vineyard Regional High School Athletic Building, Martha's Vineyard, MA

Federal Express Ground Distribution, White Marsh, MD

Gardnertown Riding Arena, Newburg, NY

Columbia Association Maintenance Facility Buildings, Columbia, MD

Ammunition Supply Point inspection and Residue Buildings, Ft Dix, NJ

Bogota Golf Center Buildings, Bogota, NJ

BPS Manufacturing Building, Baltimore, MD

College of Southern Maryland Maintenance Facility, La Plata, MD

Edco Glass Office and Warehouse, Sterling, VA

Belmont Country Club Buildings, Ashburn, VA

Project Architect, Grimm and Parker Architects. (1981-1983), design, preparation of construction documents and field administration for various government and private projects including multifamily housing, warehouses, schools, recreation centers, industrial buildings, maintenance buildings, retail buildings, office buildings.

Projects:

Upper County Community Center, Montgomery County, Md
Bowie Commons Senior housing, Bowie, Md
Commercial Glass Office and Warehouse, Bladensburg, Md
Maier Office Warehouse Building, Laurel, Md
Commercial Glass Office and Warehouse Building, Bladensburg, MD
Upper County Community Center, Montgomery County, MD
Maier Warehouse, Maier Industrial Park, Laurel, MD

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PLAINTIFFS' EXPERT WITNESS SUMMARY REPORT

1. Introduction

My name is Bruno Vaughn Reich, a licensed Architect since 1981, and licensed in the State of Maryland and six other states: Virginia, Pennsylvania, Delaware, New Jersey, Florida, and Washington, D.C. My resume is submitted herewith. I am being paid a nominal fee for reviewing, reporting and testifying in the above-referenced matter.

2. Instructions

I was instructed by Plaintiff and Plaintiff's counsel that this matter involves a copyright infringement claim wherein Michael Hackley and Michael Hackley Architects, P.C. allege that Michael Hackley's design/drawings for the LVL X Prince George's Plaza store were infringed by Defendants, first by redacting his name and seal, then by applying the name and seal of another architect, and finally by creating another set of drawings copied from the Hackley drawings.

I was also instructed that the Defendants claim that Michael Hackley is not the owner of the copyright of the drawings and that the drawings were not infringed.

3. Subject Matter

- f. As a licensed architect in the State of Maryland, I am familiar with and understand the Maryland Architects Act, Maryland Annotated Code, Business Occupations and Professions Article, §3-101 *et seq.*, particularly §3-501 and the related COMAR regulations, which require that final architectural drawings submitted to a public authority for a building permit must be signed, sealed and dated by the architect who either 1) prepared the drawings; or 2) approved the drawings with the permission of the author.
- g. It is a usual and customary practice in the architecture trade for an architect to design a work, using another architect simply as a draftsperson to make the electronic drawings from the first architect's design, with ownership of the drawings vesting in the design architect.
- h. It is the usual and customary practice in the architecture trade for an architect to create the initial and final drawings for building permit. At times these drawings are made based on drawings and/or measurements obtained from the owner of the property, without onsite inspection by the architect. Once construction is set to begin, these drawings may be revised somewhat to adapt to the actual building requirements if these requirements differ from the property owner drawings and/or measurements.
- i. I have reviewed the Michael Hackley architectural drawings and the John Trouton architectural drawings of the LVL X Prince George's Plaza store. In my opinion, the drawings are substantially similar.

/s/*

Bruno Vaughn Reich

April 23, 2003
Date

*Counsel hereby certifies that she has a signed copy of the foregoing documents available for inspection at any time by the court or a party to this action.